III.   REMARKS

1.   Claims 1-4, 7-11, 15, 17, 35, 36, 38-40, 42-44, 47-51, and 53-61 remain in the application. Claims 5, 6, 12-14, 16, 18-34, 37, 41, 45, 26, and 52 have been cancelled without prejudice.

2.   Applicants respectfully submit that claims 1-4, 7-11, 15, 17, 35-42, 43-44, 47-51, 53-54, 55-59, 60 and 61 are patentable over the combination of Bull et al. (US 5,901,287, "Bull") and Theimer et al. (US 5,544,321, "Theimer") under 35 USC 103(a).

Additional Arguments

2.1   The examiner argues that col. 3, line 31 and col. 6, line 55 of Bull discloses the claim element "identifying at least one component of the multimedia message which the wireless terminal can handle." Applicants respectfully disagree.

Column 4, lines 28-33 of Bull merely states:

> During a user session or when a user completes a session, the user's looking activity is analyzed for patterns, preferences and trends and the profile annotated or updated so that when they next use the information aggregation and synthesization system, the nominated searches will be customized to their individual desires.

It is not clear how the text above discloses "identifying at least one component of the multimedia message which the wireless terminal can handle." It seems that some of the words disclosed by Bull are being combined although these words may not have the interrelationships with each other required to disclose the features of the present claims. For example, the phrase "excess capacity" on col. 7, line 3 relates to the advertised items, not to the properties of a multimedia terminal.

In order to clarify the meaning of the Applicants claim element: "identifying at least one component of the multimedia message which the wireless terminal can handle," Applicants refer to the following portions of the present application to point out that this phrase relates to the capability of the terminal, not to customization.

Page 7 lines 8-12 discloses "…*information on the properties of the wireless terminal is stored in the multimedia messaging system, advantageously in a multimedia message service centre, whereupon property information does not have to be transmitted in connection with each message.* "

Page 10, lines 21-33 discloses:

> To implement the method according to the invention, the multimedia message service centre MMSC, of which the appended Fig. 4 shows a preferred embodiment in a reduced block diagram, is provided with a first data storage 56 (cache) into which it is possible to store information on the properties of a wireless terminal MS. This first data storage 56, which is advantageously formed in a memory area specified in the memory of the multimedia message service centre MMSC, can be either fixed in length or its length can vary in accordance with the demand at a given time. The information on the <u>properties of the wireless terminals</u> MS, stored in the first data storage 56 includes, for example, the <u>hardware properties</u> of the wireless terminal MS, <u>software properties</u>, the properties of the multimedia service application, as well as possible user settings."

Page 12, lines 7-28 discloses some details on the update of the property information:

> The property information of the wireless terminal MS, stored in the multimedia message service centre MMSC, is advantageously valid for a certain period of time. Thus, when a multimedia message arrives at the multimedia message service centre MMSC to be forwarded to a wireless terminal MS, the MMSC advantageously examines, preferably before the notification message 30 is transmitted, whether information on the properties of the wireless terminal MS in question has been stored in the memory of the multimedia message service centre MMSC. If property information is stored, the MMSC also examines whether the property information is still valid. This can be performed, for example, in such a way that the MMSC supplements the property information with information on the time at which the information was stored (time label). In addition, a maximum time of validity is defined for the property information. The multimedia message service centre MMSC compares the time label in the property information of the wireless terminal MS in question with the maximum time of validity. If the comparison shows that the time of validity has not expired, it is not necessary to request property information to be transmitted. If, however, the comparison shows that the property information is too old (although the properties may not have necessarily changed at all), the multimedia message service centre MMSC requests the wireless terminal MS to update the information on its properties.

Page 16, lines 5-12 disclose:

> *Furthermore, when decisions are made, it is possible to take into account certain user configurable rules, the priority of the multimedia message and certain properties of the wireless terminal MS, such as its <u>free memory capacity as well as its capability to process different types of multimedia component and present them on its display</u>. This processing capability is dependent among other things on the <u>hardware properties</u> of the wireless terminal MS, as well as on the <u>programs installed</u> in the wireless terminal MS.*

Page 16, lines 22-30 disclose:

> *In this system according to a preferred embodiment of the invention, it is not necessary at the application level for the wireless terminal MS to separately request the multimedia message service centre MMSC to transmit those multimedia message components which the <u>wireless terminal MS is able to process</u>. Thus, these components do not have to be identified in the GET request 31, but the multimedia message service centre MMSC selects for transmission those multimedia message components defined in the property information of the receiving wireless terminal MS, stored in the first data storage 56.*"

Page 17, lines 19-28 disclose:

> *The multimedia message service centre MMSC compares the components contained in the multimedia message to be transmitted to the wireless terminal MS with the property information of the wireless terminal MS stored in the first data storage 56 in the multimedia message service centre MMSC. On the basis of the comparison, the multimedia message service centre MMSC selects those components to be transmitted <u>which are supported by the wireless terminal</u> MS in question.*

Page 19, lines 14-25:

> The second last paragraph on page 19 discloses: "*Even though it has been stated previously that the wireless terminal MS transmits property information only when the multimedia message service centre MMSC requests it to be transmitted, it is obvious that the wireless terminal MS can also transmit property information even if the multimedia message service centre MMSC does not request it. This may be necessary e.g. in such a situation where the wireless terminal MS detects that its properties have changed since the previous transmission of the property information to the multimedia message service centre MMSC. <u>Properties can change, for example, in connection with a software version update or hardware changes</u>. In such a situation property information is also preferably updated in connection with a connection set-up message 40.*

2.2   In addition, the examiner refers to Theimer, col. 27, lines 15-26 to show that Theimer teaches that the user may specify customization the properties for the device. Once again,

Applicants respectfully disagree. As mentioned above, the properties of a terminal are related to the terminal's capabilities and not to customization of the terminal.

To repeat, the cited passage of Theimer recites:

> "If a device is able to identify and authenticate the owner, automatic login procedures may be initiated, depending on the device profile and the ownership request. The step in box 524 retrieves the UserProfile fragment for the authenticated user. This can be done in a variety of ways; for example, by including the profile information as part of a login RPC exchange. The User Profile may specify preferred customization properties for the device. For example, the user may desire a mail window to be retrieved automatically and displayed upon login to a device, such as a Pad, or an entire electronic desktop be retrieved for display on a workstation.

The user's customizations do not relate to the properties of the device as such. For example, the user may customize the same device in different ways and still the capabilities of the device remain the same. The user's possible desire to retrieve a mail window automatically is not related to the capabilities of the device. Therefore, the cited passage of Theimer does not disclose or suggest the properties of the device.

Response to Rejection

2.3   Bull discloses an information aggregation and synthesization system and process. The system provides aggregation and packaging of structured or unstructured information from disparate sources such as those available on a network such as the Internet. A network compatible/addressable interface device is operated by a user. The network interface device communicates with local datastores or network accessible datastores via an addressing scheme such as Uniform Resource Locator addresses (URLs) utilized by the Internet. Data passing between the network interface device and the datastores is accessed, polled, and retrieved through an intermediary gateway system. Such aggregated information is then synthesized, customized, personalized and localized to meet the information resource requests specified by the user via the network interface device (see the Abstract).

According to the col. 3, lines 26-42, the user initiates access to the system through a network addressable interface device (such as a personal computer, Internet Appliance, an interactive television or even a personal digital assistant or smart telephone). The user is then connected to the information aggregation and synthesization system via a network service provider (most

likely through the Internet or some variation). The user logs on to the system either by name, address, etc. or with some pseudonym (or some combination). This allows the user's activity to be tracked and establishes a log of the user's activity during the current online experience (session). The user is also asked for explicit profile information concerning preferences. These preferences will be used to narrow the information retrieval and may be collected when the user first logs in or incrementally as the user asks for specific information. This profile information will be kept and updated as the individual user's preferences change.

The user profile contains information relating to the user e.g. key words used by the user when performing searches in the system. See, for example, col. 4, lines 28-33:

> "*During a user session or when a user completes a session, the user's looking activity is analyzed for patterns, preferences and trends and the profile annotated or updated so that when they next use the information aggregation and synthesization system, the nominated searches will be customized to their individual desires.*"

Section IV. Automated Profile Generation in column 13, line 59 through column 14, line 9,-also reveals that the user profile contains information related to the user's preferences, not to the properties of the wireless terminal.

Further, section 210 User Profile DataStore in column 10, lines 34-38 discloses:

> *This [User Profile DataStore] contains data about the user, preferences, situational preferences, accounting information, psychographic profile, personal profile and other relevant information related to the user by individual identifier.*

Column 4, lines 7-15 disclose that the <u>user</u> selects information to be viewed from the results of the search. This information is retrieved from its source and presented to the user in the manner and at the time requested. There is no indication whatsoever in Bull that the user profile could contain information about properties of the wireless terminal. Moreover, Bull does not disclose receiving and storing multimedia <u>messages</u>, and identifying by said server at least one component of the multimedia message which the wireless terminal can handle according to the retrieved properties of the wireless terminal.

The passage from column 6, line 59 through column 7, line 12 disclose the initial setup for advertisers.

> *Advertisers, using a user access system 100 enter criteria that should met for an advertisement/coupon placement. These criteria are in the form of the complex software text search agents described above. This includes a match "threshold". When this threshold is met or exceeded, an ad/coupon will be appended to a system session. Statistical analysis known as clustering is used to evaluate the data.*
>
> *The ad/coupon may be resident on the user access system 100, an advertiser's computer system (400 . . . N) or stored in the Advertising DataStore 250. Additionally, the Advertiser may include conditional criteria for ad/coupon placement (available inventory, in stock levels, excess capacity, etc.). This criteria is referenced when the "threshold" is met and if satisfactory, the ad/coupon is appended. This criteria may be tested against data input through the user access system 100, data on the advertising datastore 250 or data on the advertiser's computer system (400 . . . N). Additionally, advertisers can input World Wide Web (WWW) referential information (hot links) to be displayed with ads/coupons or on geographic map displays. These are stored on the advertising datastore 250."*

The ad/coupon is not a multimedia message but a piece of information pushed to the user access system when a conditional criteria is met. The criteria mentioned by Bull et al include available inventory, in stock levels, excess capacity. It is clear that the excess capacity can not relate to the properties of the user access system but to the production capacity of the advertiser's manufacturing site (all the other used criteria relate to products in stocks). The applicant is of the opinion that in this context it is not justified to assume that the term *excess capacity* could relate to the properties of the user access system.

2.4   Theimer describes a method for superimposing prespecified locational, environmental, and contextual controls on user interactions, including interactions of mobile users, with computational resources. A system is described for electronically monitoring contextual information concerning users and machines, including state and locational information including proximity. Interaction policies, including user specified interaction policies, may be registered on an identifiable address path. Methods are described for detecting, selecting and controlling computer controlled devices, based on the proximity of the device to the user, the current context of the user, the location of other nearby users and devices, and the current state of the devices. Temporary transfer of control, including exclusive control, of particular computers and computer controlled devices to individual users based on the context and environment in proximity to those computing devices is also described (see the Abstract).

The Examiner refers to column 27, lines 15-26 to show that Theimer teaches that *the user may specify customization the properties for the device.* In this paragraph, Theimer discloses that the user profile may specify preferred customization properties for the device. For example, the user may desire a mail window to be retrieved automatically and displayed upon login to a device, such as a Pad, or an entire electronic desktop be retrieved for display on a workstation. This kind of information is merely indicating the desires of the user. It is not indicating the actual properties of the device. For example, one user may define that a mail window is to be retrieved automatically but another user using the same device might define that no mail window will to be retrieved automatically. Therefore, the user profile can provide different, even contradictory information relating to the same device. Therefore, the combination of Bull and Theimer does not disclose each and every feature of independent claims 1, 35, and 43. Dependent claims 2-4, 7-11, 15, 17, 36-42, 44, 47-51, 53, 54, 55-59, 60, and 61 are patentable because of their dependencies.

At least for these reasons, the combination of Bull and Theimer fails to render claims 1-4, 7-11, 15, 17, 35-42, 43, 44, 47-51, 53, 54, 55-59, 60, and 61 unpatentable.

3.   Applicants respectfully submit that claims 1-4, 7-11, 15, 17, 35-42, 43-44, 47-51, 53-54, 55-59, 60 and 61 are patentable over the combination of Harkins et al. (US 5,513,126, "Harkins") and Wallenius et al. (US 7,200,385, "Wallenius") under 35 USC 103(a).

Applicants respecfully submit that Wallenius is not a valid reference. The present application has an effective filing date of 23 December 1999 and an actual US filing date of 6 November 2000.

> Wallenius is a National Stage application of PCT/FI1999/00622, filed on 13 July 1999 and published on 27 January 2000.

> Wallenius is not a valid reference under 35 USC 102(a) because it's PCT publication date does not precede the present application's foreign priority date.

> Wallenius is not a valid reference under 35 USC 102(b) because it's PCT publication date is not more than 1 year prior to the US filing date.

Wallenius is not a valid reference under 35 USC 102(e) because its filing date for 35 USC 102(e) is its §371(c)(1), (2), (4) date is 12 April 2001, which does not preced the present application's foreign priority date. According to MPEP 1893.03(b)(A):

> (A) Availability as a prior art reference under former 35 U.S.C. 102(e) (prior to the amendment by the American Inventors Protection Act of 1999 (AIPA) (Pub. L. 106-113, 113 Stat. 1501 (1999)). If a U.S. patent issued from an international application filed prior to November 29, 2000, the international application was not considered to have been filed in the United States for prior art purposes under 35 U.S.C. 102(e) and PCT Article 64(4)(a) until the date the application fulfilled the requirements of 35 U.S.C. 371(c)(1), (2), and (4).

Because Wallenius is not a valid reference under 35 USC 102(a), (b), or (e), Wallenius is not available as a reference under 35 USC 103(a).

Therefore, the combination of Harkins and Wallenius fails to render claims 1-4, 7-11, 15, 17, 35-42, 43-44, 47-51, 53-54, 55-59, 60 and 61 unpatentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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